

1-1 By: Garcia, Rodríguez S.B. No. 462
 1-2 (In the Senate - Filed January 11, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on Natural Resources &
 1-4 Economic Development; May 3, 2017, reported favorably by the
 1-5 following vote: Yeas 7, Nays 3; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12			X	
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a database of employers penalized for failure to pay
 1-22 wages or convicted of certain offenses involving wage theft.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 301, Labor Code, is
 1-25 amended by adding Section 301.070 to read as follows:

1-26 Sec. 301.070. DATABASE REGARDING WAGE THEFT. (a) In this
 1-27 section:

1-28 (1) "Attorney representing the state" means a district
 1-29 attorney, criminal district attorney, or county attorney
 1-30 performing the duties of a district attorney.

1-31 (2) "Employee" and "employer" have the meanings
 1-32 assigned by Section 61.001.

1-33 (b) The commission shall make available on its Internet
 1-34 website a publicly accessible list of all employers in this state
 1-35 that have been:

1-36 (1) assessed an administrative penalty under Section
 1-37 61.053;

1-38 (2) ordered to pay wages by a final order of the
 1-39 commission and have failed to comply with Section 61.063; or

1-40 (3) convicted of an offense under:

1-41 (A) Section 61.019; or

1-42 (B) Section 31.04, Penal Code, if the offense
 1-43 involved the theft of a service that was rendered by an employee of
 1-44 the employer.

1-45 (c) For an employer that is a business entity, the database
 1-46 must include the name under which the entity operates and the name
 1-47 of each individual who is an owner of the entity and actively
 1-48 involved in the management of the entity.

1-49 (d) The commission must provide notice to an employer not
 1-50 later than the 180th day before the date the employer is listed in
 1-51 the database.

1-52 (e) The commission by rule shall establish a process by
 1-53 which an employer may, at any time after receiving notice under
 1-54 Subsection (d), dispute the employer's inclusion in the database.
 1-55 The process must require the commission to investigate and make a
 1-56 final determination regarding an employer dispute under this
 1-57 subsection not later than the 21st day after the date the dispute is
 1-58 filed.

1-59 (f) The commission shall list an employer in the database
 1-60 until the third anniversary of the date the penalty is assessed or
 1-61 the employer is convicted.

2-1 (g) An attorney representing the state shall report to the
2-2 commission the name of each employer that is prosecuted and
2-3 convicted in the attorney's jurisdiction of an offense described by
2-4 Subsection (b)(3).

2-5 (h) For purposes of this section, a person has been
2-6 convicted of an offense if the person was adjudged guilty of the
2-7 offense or entered a plea of guilty or nolo contendere in return for
2-8 a grant of deferred adjudication community supervision, regardless
2-9 of whether the sentence for the offense was ever imposed or whether
2-10 the sentence was probated and the person was subsequently
2-11 discharged from community supervision.

2-12 (i) This section does not impose any additional requirement
2-13 on a contractor performing work under a contract that is subject to:

2-14 (1) Chapter 2258, Government Code; or

2-15 (2) the Davis-Bacon Act (40 U.S.C. Section 3141 et
2-16 seq.) or another federal law that makes the Davis-Bacon Act
2-17 applicable to the contract.

2-18 SECTION 2. (a) The change in law made by this Act applies
2-19 only to an administrative penalty assessed on or after the
2-20 effective date of this Act. An administrative penalty assessed
2-21 before the effective date of this Act is governed by the law in
2-22 effect on the date the penalty was assessed, and the former law is
2-23 continued in effect for that purpose.

2-24 (b) The change in law made by this Act applies only to a
2-25 criminal proceeding that commences on or after the effective date
2-26 of this Act. A criminal proceeding that commences before the
2-27 effective date of this Act is governed by the law in effect on the
2-28 date the proceeding commenced, and the former law is continued in
2-29 effect for that purpose.

2-30 (c) The change in law made by this Act applies only to a
2-31 final order of the Texas Workforce Commission entered on or after
2-32 the effective date of this Act. A final order entered before the
2-33 effective date of this Act is governed by the law in effect on the
2-34 date the order was entered, and the former law is continued in
2-35 effect for that purpose.

2-36 SECTION 3. Not later than December 1, 2017, the Texas
2-37 Workforce Commission shall establish the database required by
2-38 Section 301.070, Labor Code, as added by this Act.

2-39 SECTION 4. This Act takes effect September 1, 2017.

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